

MINUTE ITEM

15. (CHAPTER 1701, STATUTES OF 1957, AUTHORIZATION FOR SALE OF SOVEREIGN LANDS SITUATED IN GUADALUPE CANAL, SAN MATEO COUNTY - S.W.O. 6725.)

After presentation of Calendar Item 19 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE REVISION OF THE RESOLUTION OF AUGUST 8, 1957, MINUTE ITEM 20, TO READ: "THE EXECUTIVE OFFICER IS AUTHORIZED TO PROCEED WITH THE SALE OF THE LANDS DESCRIBED IN SECTION 1, CHAPTER 1701, STATUTES OF 1957, THE PROCEDURE FOR SAID SALE TO FOLLOW AND TO BE IN ACCORD WITH THE PROVISIONS OF SECTION 2302 OF TITLE 2 OF THE ADMINISTRATIVE CODE, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS, AND SUBJECT TO FINAL APPROVAL OF ANY SALE BY THE COMMISSION. THE COMMISSION WILL RESERVE THE RIGHT TO REJECT ANY AND ALL BIDS IN ANY SALE OFFER OF THE SUBJECT LANDS."

Attachment -

Calendar Item 19 (2 pages)

*see
pg 3411*

CALENDAR ITEM

MISCELLANEOUS

19.

(CHAPTER 1701, STATUTES OF 1957, AUTHORIZATION FOR SALE OF SOVEREIGN LANDS SITUATED IN GUADALUPE CANAL, SAN MATEO COUNTY - W. O. 6725.)

On August 8, 1957 (Minute Item 20, pages 3411-12), general authorization was granted for proceeding with the sale of land described in Chapter 1701, Statutes of 1957.

In establishing the specific procedures for offering the land for sale pursuant to competitive public bidding, it appears desirable that the provisions of Section 2302 of the Rules and Regulations, covering the sale of unoccupied lands not suitable for cultivation, be adopted to provide for a uniform procedure in connection with the subject sale. A copy of Section 2302 of the Rules and Regulation is attached as Exhibit "A".

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE REVISION OF THE RESOLUTION OF AUGUST 8, 1957, MINUTE ITEM 20, TO READ: "THE EXECUTIVE OFFICER IS AUTHORIZED TO PROCEED WITH THE SALE OF THE LANDS DESCRIBED IN SECTION 1, CHAPTER 1701, STATUTES OF 1957, THE PROCEDURE FOR SAID SALE TO FOLLOW AND TO BE IN ACCORD WITH THE PROVISIONS OF SECTION 2302 OF TITLE 2 OF THE ADMINISTRATIVE CODE, SUBJECT TO ALL STATUTORY RESERVATIONS INCLUDING MINERALS, AND SUBJECT TO FINAL APPROVAL OF ANY SALE BY THE COMMISSION. THE COMMISSION WILL RESERVE THE RIGHT TO REJECT ANY AND ALL BIDS IN ANY SALE OFFER OF THE SUBJECT LANDS."

Attachment
Exhibit "A"

EXHIBIT "A"

2302. UNOCCUPIED LANDS NOT SUITABLE FOR CULTIVATION.

(a) Upon filing of a bona fide application, an appraisal will be made by the Division of State Lands. In the event the offer of the first bona fide applicant is less than the appraised value, and written notice to that effect shall be given him, said applicant shall have the opportunity to amend his offer and, should he fail to increase his offer, the application shall be canceled.

(b) Upon receipt of the amended application, the lands shall be advertised for sale. The advertisement shall state a minimum price which the commission will consider which shall be the minimum acceptable offer specified in Section 2301, or the appraised value, whichever is the greater. During a period of 30 days following the date of said advertisement, any qualified person may file an application for said lands, subject to the rights of the first applicant. Each applicant may make as many different bids as he may desire, which bids must be in writing, and sealed and delivered to the Division of State Lands at Sacramento, before 4 p.m. of the thirtieth day following the date of advertisement.

(c) Should the first applicant withdraw his offer to purchase the land for which he made an expense deposit and no other application or bid is received during the 30-day period following the advertising, then all costs of processing the application shall be borne by him.

(d) In the event the first applicant is not the highest bidder, he shall be given 20 days from date of opening of bids within which to make payment of the additional amount necessary to meet the highest qualified bid. Should he fail to make such payment, the highest qualified bidder shall be recommended to receive the award.

(e) The appraisal and all offers received pursuant to such advertising shall be reviewed by the Division of State Lands which shall then fix the price at which the land shall be recommended to be sold. Such price shall be exclusive of costs of appraisal, advertising, patent fees, filing fees, etc., and shall not be less than the minimum price as advertised, nor less than the highest qualified bid received.

(f) The commission shall then review the recommendations of the Division of State Lands and make final award or take such other action as public interest indicates.

(g) The successful bidder shall pay all costs incident to the sale which shall include but are not limited to appraisal, advertising and patent fees. The unsuccessful applicants shall be entitled to a refund of all moneys deposited except the \$5 filing fee.